

INFO	LOG-00	MFA-00	EEB-00	AF-00	AID-00	AIT-00	AMAD-00
	INL-00	WHA-00	PERC-00	DS-00	EAP-00	DHSE-00	EUR-00
	OIGO-00	FBIE-00	VCi-00	H-00	TEDE-00	INR-00	IO-00
	JUSE-00	L-00	CAC-00	MOFM-00	MOF-00	M-00	VCIE-00
	NEA-00	DCP-00	NSAE-00	ISN-00	OCS-00	OIG-00	NIMA-00
	PM-00	P-00	ISNE-00	DOHS-00	FMPC-00	SP-00	IRM-00
	SSO-00	SS-00	DGJO-00	NCTC-00	ASDS-00	CBP-00	SCRS-00
	PMB-00	DSCC-00	PRM-00	DRL-00	G-00	SCA-00	CARC-00
	NFAT-00	SAS-00	FA-00	SWCI-00	/000R		

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SOURCE: CLOUTCLS.008398

DRAFTED BY: S/CT:ARNOLD SIERRA:PJC -- 10/22/07 647-9413

APPROVED BY: S/CT:DELL L DAILEY

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AMEMBASSY BERLIN IMMEDIATE

ALL AFRICAN DIPLOMATIC POSTS COLLECTIVE IMMEDIATE

ALL NEAR EASTERN AND SOUTH ASIAN DIPLOMATIC POSTS IMMEDIATE

ALL NEAR EAST COLLECTIVE IMMEDIATE

ALL SOUTH AND CENTRAL ASIA COLLECTIVE IMMEDIATE

ALL EAST ASIAN AND PACIFIC DIPLOMATIC POSTS IMMEDIATE

CARIBBEAN COLLECTIVE IMMEDIATE

ALL EUROPEAN DIPLOMATIC POSTS COLLECTIVE IMMEDIATE

AMEMBASSY SANTIAGO IMMEDIATE

AMEMBASSY SINGAPORE IMMEDIATE

AMEMBASSY ROME IMMEDIATE

AMEMBASSY ALGIERS IMMEDIATE

AMEMBASSY SEOUL IMMEDIATE

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INFO CIA WASHINGTON DC PRIORITY 0000

DIA WASHINGTON DC PRIORITY

FBI WASHINGTON DC PRIORITY 0000

SECDEF WASHINGTON DC PRIORITY

UNITED STATES DEPARTMENT OF STATE

REVIEW AUTHORITY: OSCAR J OLSON

CLASSIFICATION: SECRET REASON: 1.4(B), 1.4(D)

DECLASSIFY AFTER: 21 OCT 2032

DATE/CASE ID: 17 NOV 2011 200705645

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RELEASED IN PART
B1, 1.4(B), 1.4(D), B5

WESTERN HEMISPHERIC AFFAIRS DIPL POSTS PRIORITY
AMEMBASSY PRETORIA PRIORITY
HQ USSOUTHCOM MIAMI FL PRIORITY 0000
JOINT STAFF WASHINGTON DC PRIORITY
NSC WASHINGTON DC PRIORITY 0000

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S E C R E T STATE 147320

SENSITIVE

E.O. 12958: DECL: 10/22/2027

TAGS: PTER, ASEC, KJUS, PREL, PGOV

SUBJECT: [REDACTED]

B1

REF: (A)STATE 29082, (B)BUENOS AIRES 2060, (C)BUENOS AIRES
1971, (D)BUENOS AIRES 1906, (E)BUENOS AIRES 1802,
(F)BUENOS AIRES 1681 AND PREVIOUS

Classified by Coordinator for Counterterrorism, Dell L.
Dailey, S/CT; E.O. 12958; Reason: 1.4(b) and (d)

1. (U) This is an action request; please see paragraphs
13-25.

B1

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BACKGROUND

3. (U) On July 18, 1994, Argentina suffered its worst terrorist attack, when the AMIA building was bombed, killing 85 and wounding more than 150-- the deadliest terror attack in the hemisphere until September 11, 2001. The attack came two years after a terrorist attack on the Israeli Embassy in Buenos Aires, which left 29 dead and destroyed the Embassy building. The GOA conducted an extensive investigation and concluded the AMIA bombing was a premeditated attack funded by the Iranian regime and executed by Hizballah.

4. (U) On October 25, 2006, an Argentine special prosecutor issued a formal investigative report on the terrorist bombing of AMIA. On November 9, 2006 Argentine federal judge Rodolfo Canicoba Corral issued arrest warrants against Iran's former President and current chairman of the Expediency Council Ali Akbar Rafsanjani, former Foreign Minister and current Khamenei advisor Ali Akbar Velayati, former Minister of Intelligence and current Assembly of Experts member Ali Fallahijan, former IRGC Commander and current Expediency Council member Mohsen Rezai, former Qods Force leader and current Deputy Defense Minister Ahmad Vahidi, former Ambassador of Iran (Buenos Aires) Hadi Soleimanpour, former Iranian Embassy

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(Buenos Aires) Cultural Attache Mohsen Rabbani, and former third secretary of the Iranian Embassy Ahmed Reza Asghari (a.k.a. Mohsen Randjbaran). The report also implicated Hizballah terrorist leader Imad Mughniyah.

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5. (U) On or about November 16, 2006, the GOA sent fugitive diffusion messages, a precursor to an INTERPOL Red Notice (the equivalent of international "wanted" notices) for the indicted individuals. Upon making this request, the GOA committed to seeking the provisional arrest and extradition of the individuals should they be located. Prior to issuance of a Red Notice, the INTERPOL General Secretariat (IPGS) reviews each proposal to ensure compliance with the INTERPOL Constitution. Article 3 of the INTERPOL Constitution prohibits INTERPOL from engaging in activities of "a political, military, religious, or racial character." Seeking to intercede and block issuance of any Red Notices, Tehran attempted to exploit Article 3 and sent a message to INTERPOL countries claiming that Argentina's request was politically motivated and leveled tit-for-tat indictments of Argentine officials involved in the AMIA case. INTERPOL agreed to hold issuance of Red Notices in abeyance until each side could explain its position. Argentine and Iranian government officials met in Lyon, France on January 22 to present their perspectives on the case, after which the INTERPOL Secretariat deferred action to the INTERPOL Executive Committee.

6. (SBU) Prior to the Executive Committee vote that took place in March 2007, the INTERPOL General Counsel recommended against issuing Red Notices for Rafsanjani and Velayati because of their apparent head of state immunity. The General Counsel also recommended against issuing a Red Notice for Soleimanpour because an earlier denial by the United Kingdom of an Argentine extradition request for him demonstrated that there was insufficient evidence. Argentina concurred with these recommendations.

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11. (U) Additional background: A Red Notice is an international "wanted" notice that provides information on the identification of fugitives charged with or convicted of serious crimes. Red Notices are issued by INTERPOL in

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Lyon at the request of one of the 186 INTERPOL member countries. The country initiating the notice commits to seeking the provisional arrest and extradition of the fugitive in question should he or she be located. Roughly one third of Interpol states can make an arrest on the basis of a Red Notice; others, including the United States, require other steps by the requesting state.

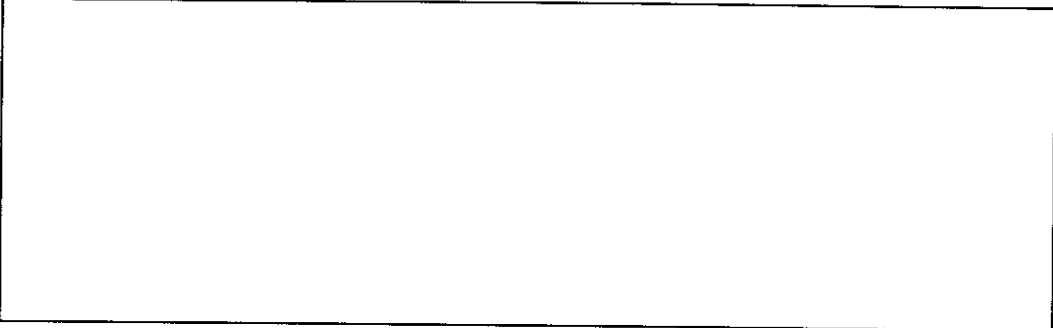
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12. (SBU) Additional historical background: INTERPOL issued Red Notices in November 2003 for 12 individuals implicated in the original AMIA investigation, but the Iran complained of investigative irregularities by the Argentine judge involved in the original investigation of the bombing and the issuance of the warrants upon which the Red Notices were based. Based on the Iran's complaint, the Interpol Executive Committee voted to cancel the Red Notices in September 2005. On September 21, 2005, the GOA petitioned the INTERPOL General Assembly to reinstate the Red Notices, but the General Assembly voted overwhelmingly to support the Executive Committee's decision to cancel the notices. Argentine President Kirchner ordered a new investigation and over the past two years a new prosecutor and judge have conducted a comprehensive investigation of the AMIA bombing. Based on their more complete and professional investigation, an Argentine court issued new indictments and arrest warrants that are the basis for Red Notices now under consideration by INTERPOL.

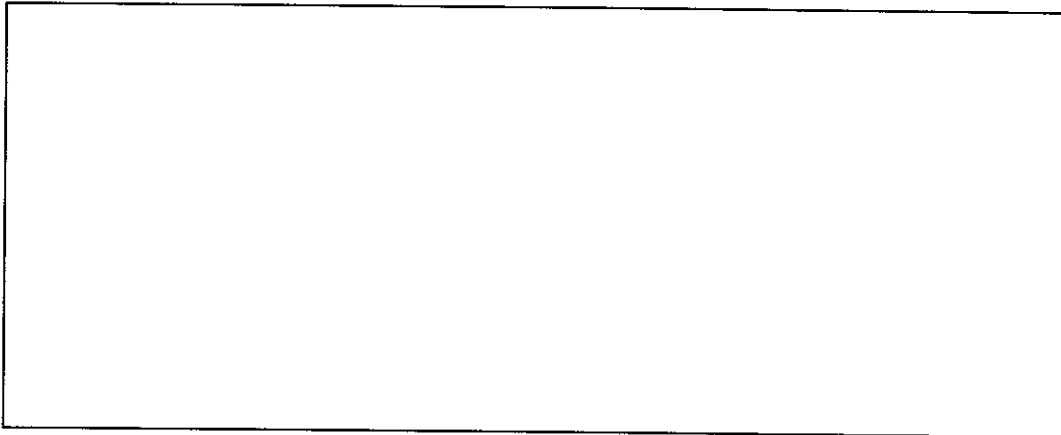
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16. (SBU) Posts should draw upon the following points when making their respective demarches:

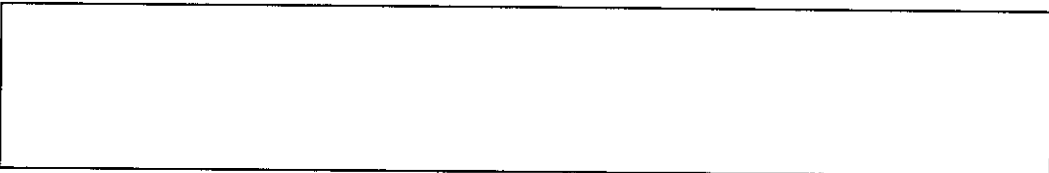


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-- The INTERPOL EC's unanimous March 13, 2007 decision to support issuance of Red Notices for these individuals is the result of a compromise position, supported by Argentina, which did not seek issuance of Red Notices for the Iranian suspects with the strongest bases for immunity.

-- The AMIA case will have a significant effect on international efforts to bring to justice perpetrators of terrorist attacks against innocent civilians.

-- In addition to the Red Notice being sought for him in this case, Hizballah-IJO terrorist leader Imad Mughniyah is already the subject of two other Red Notices. He is wanted in Argentina for the 1992 bombing of the Israeli Embassy in Buenos Aries and by the United States for his role in the 1985 hijacking of TWA flight 847 and related murders.



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IRANIAN EFFORTS TO POSTPONE VOTE

17. (SBU) Embassies Santiago, Singapore, Rome, Algiers, Seoul, Madrid, Rabat, Brasilia, Moscow and Berlin. The GOA is concerned by Iran approach to INTERPOL Executive Committee Members seeking removal of the AMIA matter from the General Assembly's agenda. Embassies listed above should include points below when they demarche their respective EC members. All other action addressees should only use the points below if host nation inquires about US position on Iranian efforts to postpone or remove the AMIA case from the General Assembly's agenda:

-- The U.S. opposes any efforts to defer action on the issuance of Red Notices, which were unanimously supported by the Executive Committee in March.

-- The US has no objection if Iran should choose to drop its appeal and proceed with the issuance of the Red Notices or going ahead with a vote.

18. (SBU) IF ASKED ABOUT IMMUNITY ISSUES:

Posts should only use the points below if specifically asked about immunity issues or other potential Iranian defenses:

-- Our support is focused on the context of this specific case.

-- The individuals with the strongest bases for immunity were excluded from the EC's decision.

-- Iran has not justified or explained the basis of any immunity for any of the officials, including the remaining six lower level officials.

-- The attack on AMIA was a vicious terrorist act that specifically targeted innocent civilians for which the six individuals have been charged, but not tried or convicted.

-- The approach is consistent with INTERPOL practice.

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POINTS OF CONTACT AND REPORTING DEADLINE

26. (U) Embassy should report responses to WHA/BSC -

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Janina Slattery and Caroline Croft; NEA/IR -Rebecca Hummel, S/CT - Arnold Sierra, and L/LEI Heather McShain no later than November 1, 2007. Please caption cables "SIPDIS" and include the IR and PTER tags. We appreciate posts' assistance with this important demarche.
RICE

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NNNN

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